

CHAPTERS 48 and 49
Reserved

TITLE IV
JAIL INSPECTION STANDARDS

CHAPTER 50
JAIL FACILITIES

[Prior to 10/1/83, Social Services[770] Ch 15]
[Prior to 3/20/91, Corrections Department[291]]

201—50.1(356,356A) Definitions. The following are defined terms:

“Activity area.” Such area, distinct from the living unit, where inmates may congregate for programming. This area is to be under constant staff observation.

“Alternative jail facility” means a facility designated pursuant to Iowa Code chapter 356A, and which is used as a halfway house type facility rather than a jail-type operation. These facilities shall be subject to inspection and accreditation by division of community services staff utilizing applicable administrative rules for residential facilities pursuant to 201—Chapter 43 and other acceptable operations standards.

“Average daily population” means the average number of inmates or detainees housed daily during each year.

“Barrier free.” No walls or other obstructions impeding contact by staff within their assigned area of operation.

“Capacity” means the number of inmate or detainee occupants which any cell, room, unit, building, facility or combination thereof may accommodate according to the square footage requirements of the standards.

“Cell.” Single occupancy bedroom space with toilet and lavatory facilities.

“Cell block.” A cell block is a group of cells with an associated day room.

“Classification.” A system of obtaining pertinent information concerning inmates with which to make a decision on assignment of appropriate housing, security level, and activities.

“Continuous visual observation.” Uninterrupted visual contact unaided by CCTV.

“Day room.” A common space shared by inmates or detainees residing in a group of cells or multiple occupancy cells, to which inmates or detainees are admitted for activities such as dining, bathing, or passive recreation.

“Detainee” means any individual confined in a temporary holding facility.

“Detention area” means that portion of the facility used to confine inmates or detainees.

“Direct supervision jail.” A style of jail construction designed to facilitate direct contact between officers and inmates. The officer is stationed inside the housing unit. Evaluation and classification of inmates is an ongoing and continuous function of a direct supervision jail and is based on close contact with inmates.

“D. O. C.” means the Iowa department of corrections.

“Dormitory.” An open area for two or more inmates with all fixtures self-contained. There is no barrier between the sleeping area and other fixtures such as shower, table, recreation equipment, or similar items.

“Emergency situation.” Any significant disruption of normal operations caused by riot, strike, escape, fire, natural disaster or other serious incident.

“Evaluation.” An ongoing process whereby judgments are made concerning an inmate based upon the behavior of that inmate.

“Existing facility” means any place in use as a jail or temporary holding facility or for which bids have been let for construction prior to February 1, 1982.

“Facility” means a jail in this chapter or a temporary holding facility in 201—Chapter 51 as defined by these rules.

“Holding cell” means a secure room or cell where inmates may be held up to 12 hours while awaiting the procedure of commitment, release, or court appearances.

“Holdover” is defined as a nonsecure area within a law enforcement facility which is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area which is unable to be locked.

“Housing unit.” Individual detention area. These areas may be a single occupancy cell, multiple occupancy cell, cell block, or dormitory.

“Housing unit.” (Applicable to direct supervision jails.) A group of living units totaling no more than 50 cells that can be efficiently managed by one officer. Staff assigned to the housing unit(s) work among inmates 24 hours a day.

“Inmate.” Any individual confined in a jail.

“Inspection unit” means state jail inspection unit.

“Jail” means any place administered by the county sheriff and designed to hold inmates for as long as lawfully required but not to exceed one year pursuant to Iowa Code chapters 356 and 356A.

“Jail administrator.” The sheriff, sheriff’s designee, or the executive head of any agency operating a jail. The jail administrator shall be responsible for the operation of the facility according to these rules.

“Jailer.” Any person involved in the booking or supervision of inmates or detainees and meeting the requirements of rules 50.10(356,356A) and 50.11(356,356A) or 201—51.8(356,356A) and 51.9(356,356A).

“Jail inspector.” The department of corrections employee responsible for inspections of jails and enforcement of these rules by authority of Iowa Code section 356.43.

“Jail supervisor.” A jail supervisor is any person who is responsible for the routine operation of a jail during their assigned duty hours. While this person does not have to be on the premises at all times, he or she must be readily available for consultation.

“Living unit.” An area within a housing unit containing individual sleeping compartments, day rooms, all necessary personal hygiene fixtures with sufficient tables and seats to accommodate capacity.

“Lock down.” Whenever inmates are required to be in their individual cells or locked in same.

“Mail” means anything that is sent to or by an inmate or detainee through the United States Postal Service.

“Major remodeling” means construction or repairs to a portion of a jail or temporary holding facility requiring sealed bids as specified in Iowa Code section 384.96.

“Medical practitioner” means medical doctor, osteopathic physician or physician’s assistant.

“Minister.” A trained person ordained or licensed by a bona fide religion to conduct the services of that faith.

“Monitoring.” A reasonable degree of knowledge or awareness of what activities arrestee is engaged in during incarceration.

“Multiple occupancy cell.” A cell designed for more than six persons.

“Person performing jail duties.” All persons directly involved in the provision of services to inmates or the operation of a jail except:

1. Outside contractors performing specific housekeeping functions under the direct supervision of a jailer.

2. Individuals such as maintenance personnel, cooks, and janitors, if they do not have direct contact with inmates or routine access to areas occupied by inmates.

“Person performing temporary holding facilities duties” means all persons directly involved in the provision of services to detainees or the operation of a facility except:

1. Outside contractors performing specific housekeeping functions under the direct supervision of a facility supervisor.

2. Individuals such as maintenance personnel, cooks, and janitors.

“Physical jeopardy” means due to inmate’s physical or mental condition, the inmate is in peril of serious physical harm.

“Podular or pod.” A grouping of two or more housing units, usually found in large facilities, which will aid in the control of inmates.

“Residential facilities” means the facilities governed by 201—Chapter 43.

“Roving supervising officer.” An officer who provides direct supervision of inmates by continuously moving through the housing unit, cells, and activity area of the unit.

“Segregation cell.” A cell equipped with tamper-resistant bunks, a toilet, and wash basin which are of the type recommended for maximum security housing.

“Temporary holding facility” means secure holding rooms or cells administered by a law enforcement agency where detainees may be held for a limited period of time, not to exceed 24 hours, and a reasonable time thereafter to arrange for transportation to an appropriate facility.

“Temporary holding facility administrator” means the executive head of any law enforcement agency or designee operating a temporary holding facility. The temporary holding facility administrator shall be responsible for the operation of the facility according to these rules.

“Temporary holding facility inspector” means the department of corrections employee responsible for inspection of temporary holding facilities and enforcement of these rules by authority of Iowa Code section 356.43.

“Temporary holding facility supervisor” means any person who is responsible for the routine operation of the facility during their assigned duty hours. This person need not be on the premises at all times, but must be readily available for consultation.

“Variance.” Waiver of a specific standard granted by the jail inspection unit in accordance with these rules.

201—50.2(356,356A) General provisions.

50.2(1) Applicability. These rules apply to all facilities regulated by Iowa Code chapters 356 and 356A except temporary holding facilities which are covered by 201—Chapter 51.

50.2(2) Capacity. Established capacities as determined by these rules shall not be exceeded except in the event of an emergency, and then only for such a period of time as is necessary to arrange for alternate housing or release of sufficient inmates to bring the number of persons confined into compliance with the rated capacity.

50.2(3) Right to inspect and visit. The jail inspector and authorized representatives shall visit and inspect jails and may do so on an unannounced basis. Jail personnel and supervisors shall cooperate in inspections and shall exhibit to the inspectors, upon request, all books, records, data, documents and accounts pertaining to a jail or to the inmates confined and shall assist inspectors to perform the functions, powers and duties of their office. Provisions of the first paragraph of Iowa Code section 356.43 shall control to the extent of any inconsistency of the provisions of this subrule.

50.2(4) *Other standards.* Nothing contained in these standards shall be construed to prohibit local officials from adopting standards and requirements governing their employees and facilities, provided such standards and requirements exceed and do not conflict with standards mandated in this chapter. These standards shall not be construed as authority to violate any state fire safety standard, building standard, health and safety code, or any constitutional requirement. No jail shall be operated without substantially meeting these rules, absent the granting of a variance.

50.2(5) *Equal opportunity.* Facilities, programs, and services shall be available on an equitable basis to both males and females even though each standard does not specify that it applies to both males and females.

50.2(6) *Nondiscriminatory treatment.* Each jail administrator shall ensure that staff and inmates are not subject to discriminatory treatment based upon race and are not subject to discriminatory treatment based on religion, nationality, handicap, sex or age absent compelling reason for said discriminatory treatment.

201—50.3 Reserved.

201—50.4(356,356A) *Inspection and compliance.* A jail inspector shall visit and inspect each jail within this state at least annually to determine the degree of compliance with these standards and within 45 days of each inspection shall report the results to the sheriff and the governing body responsible for the facility.

If a residential facility is operated by a judicial district department of correctional services, the division of community services of the department of corrections shall be responsible for all inspections and approvals. The deputy director of community corrections and personnel of that division shall have the same powers as the members of the jail inspection unit in carrying out these rules.

50.4(1) *Notice of noncompliance with minimum standards.* Whenever the determination is made that a jail or other holding facility is not in compliance with published state jail standards, the chief administrator of the governmental facility concerned will be notified by letter posted or personal delivery of the need to bring the facility into compliance. The jail inspection unit shall issue a notice of noncompliance to the responsible jail administrator and the governing body of each instance in which the jail fails to comply with the minimum standards established under these rules. The letter shall contain the statute(s) and rule(s) which are out of compliance and a description of the deficiencies. It shall specifically identify each minimum standard with which the jail has failed to comply.

50.4(2) *Enforcement of minimum standards; remedial orders.* Upon receipt from the jail inspection unit of a notice of noncompliance of their jail with the established minimum jail standards, the responsible authorities shall initiate appropriate corrective measures within the time prescribed by the jail inspection unit in its notice (which shall not exceed 90 days) and shall complete the corrections within a reasonable time as prescribed by the notice of noncompliance. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames which will bring the facility into compliance within a reasonable time. If the responsible officials receiving a notice of noncompliance fail to initiate corrective measures or to complete the corrective measures within the time prescribed, the jail inspection unit may order the jail in question or any portion thereof closed, that further confinement of inmates or classifications of inmates in the noncomplying jail or any portion thereof be prohibited, or that all or any number of inmates then confined be transferred to and maintained in another jail or detention facility, or any combination of remedies.

An order for closure shall contain the following:

- a. Statute(s) and rule(s) violated.
- b. A brief description of the deficiencies.
- c. The effective date of the order.
- d. An explanation of remedies required before reopening.

This order shall be the notice of noncompliance pursuant to Iowa Code section 356.36 and 201—Chapter 12, Contested cases. The matter shall then proceed in accordance with Chapter 12.

The remedial order shall be in writing and shall specifically identify each minimum standard with which the jail has failed to comply. Such remedial order shall become final and effective 30 days after receipt thereof. In the event immediate closure is required, emergency action shall proceed pursuant to 201—12.24(17A), Emergency action.

50.4(3) *Precedent.* Because rules cannot adequately anticipate all potential specific factual situations and circumstances presented for action, determination or adjudication by the jail unit, the nature of the action taken with regard to any matter or the disposition of any matter pending before the jail unit is not necessarily of meaningful precedential value, and the department shall not be bound by the precedent of any previous action, determination, or adjudication in the subsequent disposition of any matter pending before it.

This rule is intended to implement Iowa Code sections 17A.10, 17A.12 and 356.43.

201—50.5(356,356A) *Variances.* If it is not financially or physically practical for a facility to be brought into strict compliance with these standards, the agency having administrative responsibility for operation of the facility may file an application for variance with the state jail inspection unit. If compliance with the rule would impose financial hardship, the legislative body having responsibility for the operation of the facility shall join in the application. Upon a showing of good cause for noncompliance the jail inspection unit may grant a reasonable variance, except that no variance may be granted to permit clearly unhealthy, unsanitary, unsafe or unconstitutional conditions.

50.5(1) *Contents.* An application for variance must include:

- a. The name and address of the jail administrator and executive head of the legislative body responsible for the operation of the noncomplying facility;
- b. The specific sections of these rules with which the jail is not in compliance;
- c. The specific manner in which the jail is not in compliance;
- d. A detailed statement of efforts expended to bring the jail into compliance;
- e. Documented statements of projected costs to bring the jail into compliance;
- f. An estimate of the time required to bring the jail into compliance and the basis of the estimate;
- g. A statement of the effect of noncompliance upon jail operations and upon the custody, security, care, and supervision of the inmates;
- h. A statement of the nature of the variance requested and length of time for which it is requested;
- i. Clear and convincing documentation showing that granting a variance will not result in unhealthy, unsanitary, unsafe or unconstitutional conditions;
- j. Any additional statements, documentation, or evidence demonstrating a clear justification for the requested variance.

50.5(2) *Burden.* The burden shall be on the applicant to show by preponderance of evidence that a variance should be granted. An application for variance will not be granted if it appears to the inspection unit that the variance requested would permit or create clearly unhealthy, unsanitary, unsafe or unconstitutional conditions or if the facility could comply with the rules without undue burden.

50.5(3) *Determination, notice.* The inspection unit shall consider each application for variance and shall issue a written decision within 30 days of receipt granting or denying the application in whole or in part. Notice of the decision of the inspection unit shall be mailed or delivered in person to the applicant(s) named in the application for variance.

50.5(4) Rescinded IAB 3/26/97, effective 4/30/97.

50.5(5) *Appeal.* A party wishing to appeal must notify the department of intent to appeal within 15 days from notification of deficiencies. The day after the department notification is mailed is the first day of the time period within which an appeal must be filed. Intent to appeal will not function to delay emergency closure under 201—12.24(17A).

a. All appeal requests shall be submitted to the department of corrections. Such requests shall be forwarded to the chairperson of the appeals committee by the department of corrections.

b. The appeals committee shall consist of two representatives from the department of corrections and one representative appointed by the president of the Iowa state sheriffs' and deputies' association.

c. The chairperson shall arrange for a time, place and date for an informal hearing and shall notify all parties concerned. The notification shall include:

(1) A statement of the time and place of the hearing.

(2) A reference to the particular sections of the statutes and rules involved.

(3) A short and plain statement of the deficiencies.

d. If a party fails to appear at the informal hearing, the chair of the appeals committee may proceed with the informal hearing and make a recommendation in the absence of the party.

e. The 15-day time limit for submission of a request for an informal hearing is not affected by any attempts at settlements.

f. Recording of the hearing. Hearings will be tape-recorded. Copies of the tape will be furnished for a fee.

50.5(6) The appeals committee shall report their findings to the appropriate department of corrections central office administrator, who shall make the final decision and inform the appealing party of said decision in writing.

a. The written notification shall grant the variance if the appeal is upheld.

b. If the appeal is denied, the written notification shall contain the statute(s) and rule(s) in non-compliance, a brief description of the deficiencies and the time frame allowed for submission of an acceptable plan of compliance, such plan to include acceptable time frames for plan completion.

c. Upon reinspection, should the facility not be found in compliance on the cited items and a decision to close is made, an order of closure shall be issued. The order shall contain the following:

(1) Statute(s) and rule(s) violated.

(2) A brief description of the deficiencies.

(3) Rescinded IAB 3/26/97, effective 4/30/97.

d. This order shall be the notice of noncompliance pursuant to Iowa Code section 356.36, and 201—Chapter 12, Contested cases. The matter shall then proceed in accordance with Chapter 12.

This rule is intended to implement Iowa Code sections 17A.10, 17A.12 and 356.43.

201—50.6(356,356A) Physical plant—general.

50.6(1) *Professional inspections.*

a. The state jail inspector may require for good reason that an agency operating a jail cause it to be examined by an architect, engineer, licensed electrician, health inspector, plumber, heating and air conditioning specialist or food establishment inspector or any other person with expertise which may be of assistance to the state jail inspector in making an informal decision relative to the jail operation or structure. Inspection by a municipal inspector qualified in these areas may be permitted.

b. Any facility determined to be deficient following inspection may be ordered closed by the jail inspector or specific conditions limiting its operation may be imposed in lieu of closing.

An order of closure shall contain the following:

- (1) Statute(s) and rule(s) violated.
- (2) A brief description of the deficiencies.
- (3) The effective date of the order.
- (4) An explanation of remedies required before reopening.

c. In the event that any agency fails to cooperate in an inspection, the jail inspector may arrange for an inspection and the agency operating the facility shall be financially responsible for any expense involved.

50.6(2) Heating and ventilation. All detention and living areas shall be reasonably heated and ventilated, with air flow sufficient to admit fresh air and remove disagreeable odors, to ensure healthful and comfortable living and working conditions for inmates and staff. Fans and an adequate supply of cold liquids will be made available and utilized when temperatures exceed 85° Fahrenheit, inside.

50.6(3) Cells. Maximum security cells shall be equipped with tamper-resistant bunks, secured table(s) and seat(s), plus a toilet and washbasin recommended for jail or prison use. Cells shall have an adequate supply of both hot and cold water; mixing valves may be used. Housing areas of less secure design need not contain tamper-resistant fixtures. A jail may contain one or more single occupancy cells or holding areas in which to temporarily contain violent persons. The cell must have not less than 40 square feet of floor space and a ceiling height of not less than 8 feet. The cell must be constructed to minimize self-injury. Toilet facilities should be controlled from outside the cell and may be in the floor. Water need not be available in the cells but water must be accessible from staff upon request.

50.6(4) Lighting. All areas of the jail shall be reasonably well-lit for the purposes of reading and writing. Living areas shall be devoid of dark areas. Hallways, entrances and exits shall be sufficiently lit to observe a person entering or exiting. Light controls shall be out of the control of inmates. Housing areas may be variably illuminated to allow sleep, but continuous observation of inmates must be possible. All exits shall be equipped with independent emergency lighting sources.

50.6(5) Screens. If windows are opened for ventilation, insect screens shall be installed and maintained in good repair.

50.6(6) Electrical facilities. Drop cords shall not be used as permanent wiring. Electrical service shall meet the requirements of the governmental body permitted by statute to adopt standards for electrical service. Appliances shall plug directly into a fixed receptacle. Emergency electrical power shall be available. Emergency electrical power shall be tested at regular intervals not less than monthly. A record of test dates shall be maintained.

50.6(7) Storage.

a. Storage of any type in primary detention areas is not permitted except for supplies necessary for the operation of the jail.

b. Adequate storage space of inmates' personal clothing and property shall be provided. Space provided shall be secure and inmate's name or identity affixed to the storage space. Property shall be inventoried and accounted for as per Iowa Code section 804.19.

c. Janitorial supplies shall be stored in a manner to prevent unauthorized inmate access. Janitorial supplies and equipment shall not be stored in inmate living areas. Wet mops shall be dried to deter the growth of mildew.

d. Areas used for storage of chemicals, paints, and cleaning supplies shall not be accessible to inmates and shall be stored away from the primary detention area. Such storage shall not be in boiler or furnace rooms.

50.6(8) *Mirrors.* Mirrors within detention areas shall be of tamper-resistant construction and securely fixed in place.

50.6(9) *Firearms lockers.* A place inaccessible to inmates shall be provided where officers intent upon entering the security area can store firearms.

50.6(10) *Noise level.* Inmate noise inside the jail shall be controlled to ensure an orderly and secure jail operation. Jail policy shall include rules pertaining to noise level. Inmates must be advised of the rule.

201—50.7(356,356A) Physical requirements for existing facilities. This rule shall apply to all jails in existence prior to June 30, 1984. In cases where an existing jail undergoes major remodeling after the effective date of these rules, rule 50.8(356,356A) shall apply to the area being upgraded.

50.7(1) Each single occupancy cell for inmates in normal status shall have a minimum floor area of 40 square feet provided that the inmate is not required to spend more than 16 hours a day in the cell.

50.7(2) All single cells must provide 50 square feet of floor space for inmates held more than 16 hours during any 24-hour period.

50.7(3) Multiple occupancy cells shall provide 40 square feet of floor space for the first inmate and an additional 20 square feet for each additional inmate provided that no inmate is required to spend more than 16 hours in the cell during any 24-hour period.

50.7(4) Inmates held in multiple occupancy cells for more than 16 hours, out of any 24-hour period, shall have a minimum of 50 square feet of floor space for the first inmate and 30 additional square feet of floor space for each additional inmate.

50.7(5) Except in emergency situations, no multiple occupancy cell shall house more than six inmates.

50.7(6) Dormitory units shall have a minimum of 60 square feet of floor space per inmate.

50.7(7) Jails rated for 15 or fewer inmates shall devote not more than 70 percent of rated capacity to dormitory units. Facilities rated for 16 or more inmates shall devote no more than 40 percent of rated capacity to dormitory units.

50.7(8) Each single cell, multiple occupancy cell and dormitory unit shall provide the following:

- a.* A minimum of seven feet from floor to ceiling height.
- b.* A bunk of adequate size for adults.
- c.* Access to a functional toilet.
- d.* Access to a lavatory that furnishes both hot and cold water; mixing valves may be used.
- e.* Sufficient tables and seats to accommodate the rated capacity of the unit. The tables and seats may be located in the cells or in an adjacent day room.
- f.* A functionally operating shower which furnishes both hot and cold water; mixing valves may be used. This shower may be either in the housing unit itself or in an adjacent area.

50.7(9) to 50.7(12) Rescinded IAB 3/26/97, effective 4/30/97.

50.7(13) Each day room shall have a minimum floor area of 30 square feet. There shall be an additional 15 square feet for each inmate beyond one.

201—50.8(356,356A) Physical requirements for new and remodeled facilities. These rules shall apply to jails which are of new construction after the effective date of these rules. These rules shall also apply to all major remodeling or reconstruction after June 30, 1984. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The jail inspection unit shall, within 60 days of receiving plans, review them for compliance with these rules and forward any comments to the submitting authority.

50.8(1) New housing units may be single occupancy cells, multiple occupancy cells or dormitory units. Each single occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple occupancy cell shall have a minimum of 70 square feet of floor space for the first inmate and an additional 50 square feet of floor space for each additional inmate. Maximum occupancy in a multiple occupancy cell shall be six inmates. Dormitory units shall provide a minimum of 60 square feet per inmate.

50.8(2) All non-maximum security housing units shall provide:

- a. No less than 8 feet of space between the floor and ceiling.
- b. A bunk of adequate size for adults for each inmate.
- c. Sufficient desks/tables and chairs/seats to accommodate the capacity of the housing unit.
- d. A day room which provides a minimum floor area of 30 square feet for the first inmate and an additional 15 square feet for each inmate beyond one. (Dormitories excluded.)
- e. A functionally operating shower which produces both hot and cold water.
- f. A lavatory that furnishes both hot and cold water for each group of six inmates or portion thereof.
- g. A functional toilet for each group of six inmates or portion thereof.

50.8(3) Each maximum security cell shall have a security type toilet/lavatory combination fixture which provides adequate hot and cold running water. These cells may rely on common toilet facilities located outside the detention room provided that the inmate is never involuntarily locked in the room and denied access to the toilet facilities.

50.8(4) Holding cells shall provide a minimum of 20 square feet per inmate with a total capacity per cell of eight inmates. Holding cells need not contain any fixture other than a means whereby inmates may sit. Drinking water and toilet facilities shall be made available under staff supervision. Day rooms need not be available to inmates held in holding cells. Holding cells are for detaining persons for a limited period of time, not to exceed 12 hours, except in cases of emergency, while awaiting booking, processing, transfer, court appearance or discharge. Detainees will be supplied blankets if detained overnight in the holding cell. Emergencies are defined as unexpected occurrences, requiring immediate attention, of singular incident and resolution.

50.8(5) Rescinded IAB 3/26/97, effective 4/30/97.

50.8(6) The facility shall be designed to admit natural lighting and to give access to outside viewing by inmates where practical.

50.8(7) The facility shall be designed and constructed so that inmates may be segregated according to existing laws and regulations.

50.8(8) Rescinded IAB 3/26/97, effective 4/30/97.

50.8(9) Except in emergency situations no housing unit shall house more inmates than its rated capacity. Jails rated for 15 or fewer inmates shall devote no more than 70 percent of rated capacity to dormitory units. Facilities rated for 16 or more inmates shall devote no more than 40 percent of rated capacity to dormitory units.

50.8(10) All hinged doors serving as required exits shall swing with exit traffic.

201—50.9(356,356A) Fire safety and emergency evacuation.

50.9(1) *Approval of building plans.* All new construction or major remodeling plans shall be approved prior to commencement of construction by the state fire marshal or qualified local fire prevention authority.

50.9(2) *Fire marshal's certificate.* No jail shall be occupied by an inmate unless the state fire marshal or qualified local fire prevention authority has issued a fire certificate within the last 18 calendar months. The state fire marshal or qualified local fire prevention authority shall issue this certificate only if the jail complies with the fire safety standards in these rules and other applicable standards of the state fire marshal.

If in substantial compliance, the facility may be required to submit a corrective plan of action to the state fire marshal or local fire prevention authority for noncompliant items. If deadlines are not met in accordance with the plan of action, the director of department of corrections may initiate closing proceedings. In jurisdictions lacking personnel specifically trained in fire prevention safety standards, inspections shall be performed by staff of the state fire marshal's office under authority of Iowa Code section 100.12. The state jail inspection unit of the Iowa department of corrections retains the authority to request state fire marshal review as deemed necessary.

50.9(3) *Evacuation plan.* The administrator of each jail shall prepare a written plan for emergency evacuation of the facility in the event of fire or other disaster. This plan shall include security arrangements and one or more alternate housing arrangements for displaced inmates. All personnel employed in the facility shall be thoroughly familiar with this plan and relevant portions thereof shall be conspicuously posted. Fire drills for staff shall be practiced or simulated on at least an annual basis. Fire drills shall be documented.

50.9(4) *Release of inmates.*

a. There shall be a reasonable expectation of the prompt release of inmates in the event of a life-threatening situation. Keys for all locks necessary for emergency exit shall be readily accessible and clearly identifiable with cell and door locks.

b. There shall be at least one full set of jail keys, other than those regularly used, stored in a safe place accessible only to appropriate persons, for use in the event of an emergency.

50.9(5) *Fire extinguishers.* All jails shall be equipped with not less than one AA-ABC fire extinguisher in operable condition for each 3,000 square feet of facility on any given floor of the building. Fire extinguishers will be tested, at least annually, to ensure they remain in operative condition. A record of such checks shall be maintained. Fire extinguishers must be wall-mounted. (NFPA-10)

50.9(6) *Emergency lighting.* All exits shall be equipped with independent emergency lighting sources. All corridors and passage aisles shall be illuminated by independent emergency lighting sources. Lighting shall be arranged to ensure no area will be left in darkness.

50.9(7) *Required exits.* Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors shall be maintained leading directly to every exit, and shall be so arranged as to provide access for each inmate to at least two separate and distinct exits from each floor. Passage aisles or corridors shall be kept clear. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are readily available. Elevators shall not be counted as required exits.

50.9(8) *Fire alarms.* A means of fire detection utilizing equipment of a type tested and approved by Underwriters Laboratories or Factory Manual shall be installed and maintained in operational condition. These alarms shall be ceiling-mounted if possible and shall be so located and protected as to be free from inmate access. The detection equipment shall be battery-operated or so constructed as to continue operating during a power failure. Battery-operated systems shall be tested monthly. Electronic systems shall be tested at least annually. A record of test dates and results shall be maintained.

50.9(9) Heating appliances. Heating appliances and water heaters shall not be located along the path of required exits.

50.9(10) Hinged doors. All hinged doors serving as required exits from an area designed for an occupancy in excess of 50 persons, or as part of a major remodeling project or as part of new construction, shall swing with exit traffic.

50.9(11) Mattresses. Only fire-resistant mattresses of a type that will not sustain a flame and certified by the manufacturer and approved by the state fire marshal or qualified local fire prevention authority shall be used in jails. Mattresses that are ripped, excessively cracked or which contain large holes will be replaced. Pillows will be replaced when torn or excessively cracked.

50.9(12) Sprinkler heads. If installed, sprinkler heads accessible to inmates not under direct supervision must be of the weight-sensitive type, be protected with a sleeve that would hamper the tying of the material on the sprinkler head, or be recessed into the wall or ceiling.

201—50.10(356,356A) Minimum standards for jail personnel.

50.10(1) Requirements for employment. No person shall be recruited, selected or appointed to serve as a jail administrator or jailer unless the person:

- a. Has reached their eighteenth birthday.
- b. Is able to read and write the English language.
- c. Is of good moral character as determined by a thorough background investigation including a fingerprint search conducted of local, state and national fingerprint files.
- d. Is not by reason of conscience or belief opposed to the use of force, when appropriate or necessary to fulfill their duties.
- e. Has the ability to perform the essential elements of the position as defined in department job specifications.
- f. It has been demonstrated by qualified psychological screening that the person is an appropriate candidate for employment.
- g. Is free of contagious disease.

50.10(2) Minimum standard for retention. No employee shall be retained who has demonstrated inappropriate action beyond a reasonable degree, who is not psychologically fit for jail employment, or who has repeatedly failed to observe these rules.

50.10(3) Business transactions with inmates. No person working in a jail shall transact any business with any inmate or member of an inmate's family, nor shall any person working in a jail arrange through another party any business transaction with an inmate.

201—50.11(356,356A) Training for jail personnel.

50.11(1) Initial orientation. Except in an emergency situation, all persons performing jail duties and dispatchers subject to performing jail duties within the confines of the jail shall meet the following requirements, and the provision of this information and training shall be documented.

- a. The individual shall be fully knowledgeable of the administrative rules referring to jail standards.
- b. The individual shall be fully knowledgeable of jail rules, written policies and procedures as adopted by the jail administrator.
- c. The individual shall have been given specific orientation with respect to an inmate's rights during confinement and procedures adopted to ensure those rights.

d. The individual shall be professionally trained and qualified in the use of firearms; any electric restraint control device; and chemical control agents if used in connection with their duties at the jail. In the case of firearms, the individual must also possess appropriate permit.

e. The jail administrator shall record by log sheet the signature(s) of all jailers and jail supervisors attesting they have full knowledge of the administrative rules referring to jail standards and the written policies and procedures governing the jails' operation.

f. The individual shall have been instructed in the use of required firefighting equipment and the fire and emergency evacuation plan.

50.11(2) *Training documented.* All jailers and jail administrators shall meet and document training requirements as specified by the Iowa law enforcement academy training standards as found in 501—9.1(80B) and 501—9.2(80B).

50.11(3) *First aid.* At least one staff member on duty at the facility shall be currently trained in first aid (or the equivalent) and CPR.

This rule is intended to implement Iowa Code sections 80B.11A and 356.36.

201—50.12 Reserved.

201—50.13(356,356A) *Standard operating procedures manual.* Pursuant to the authority of Iowa Code sections 356.5 and 356.36, each county shall establish and the jail administrator shall ensure compliance with a standard operating procedures manual to include administrative subrules 50.2(5), 50.2(6), 50.6(10), 50.9(3), 50.9(4), 50.11(1) and rules 50.13(356,356A) to 50.22(356,356A) as noted. The following standards do not require written policy: 50.13(2)“c”(3), 50.15(4), 50.16(4), 50.16(8).

50.13(1) *Admission and classification.*

a. No person shall be confined or released from confinement without appropriate process or order of court.

b. With the exception of incidental contact under staff supervision, the following classes of inmates shall be kept separate by architectural design barring conversational and visual contact from each other:

(1) Juveniles and adults (pursuant to Iowa Code section 356.3).

(2) Females from males (exception—alternate jail facilities) (pursuant to Iowa Code section 356.4).

c. The following shall be kept separate whenever possible:

(1) Felons from misdemeanants.

(2) Pretrial inmates from sentenced persons.

(3) Witnesses from persons charged with crimes.

d. The following shall be kept physically separated:

(1) Persons of whom violence is reasonably anticipated.

(2) Persons who are a health risk to others.

(3) Persons of whom sexually deviant behavior is reasonably anticipated.

e. Detention of juveniles shall be pursuant to Iowa Code section 232.22.

f. All staff involved in the booking process or the supervision of inmates shall be trained in suicide prevention. At the time of booking, an attempt shall be made (either by observation for marks or scars or direct questioning of the inmate) to determine if the inmate is suicidal. The following questions, or others of equal meaning, shall be incorporated into the booking process with appropriate documentation to aid in suicide prevention.

- (1) Does the inmate show signs of depression?
- (2) Does the inmate appear overly anxious, afraid, or angry?
- (3) Does the inmate appear unusually embarrassed or ashamed?
- (4) Is the inmate acting or talking in a strange manner?
- (5) Does the inmate appear to be under the influence of alcohol or drugs?
- (6) Does the inmate have any scars or marks which indicate a previous suicide attempt?

If any of the above are answered yes, the following will be asked of the inmate:

Have you ever tried to hurt yourself?

Have you ever attempted to kill yourself?

Are you thinking about hurting yourself?

50.13(2) Security.

a. Supervision of inmates.

(1) Twenty-four-hour supervision of all inmates shall be provided pursuant to Iowa Code section 356.5, subsection 6.

(2) When staff is not within the confinement area of the jail, a staff person shall be in a position to hear inmates in a life-threatening or emergency situation; or a calling device to summon help will be provided. There shall be personnel made available at all times able to take steps to preserve order, to deter acts of self-injury and to permit entry into the inmate living area on a 24-hour basis.

(3) At least hourly, personal observation of individual inmates shall be made and documented. Inmates considered to be in physical jeopardy because of physical or mental condition, including intoxicated persons, as indicated by the medical history intake process and by personal observation, shall be checked personally at least every 30 minutes until the condition is alleviated.

In order to utilize a CCTV—audio monitoring system, the following requirements must be met:

1. CCTV and audio system must be operational at all times. Visual and audio must be clear and distinct. When there is a malfunction in either system, there shall be a return to at least hourly personal observation. There shall be a written policy directing such action.

2. Inmates shall be able to be observed at all times. However, observation of shower and restroom activities shall be at the discretion of the jail administrator.

3. By policy and practice, there shall be established a means whereby there is assurance that appropriate personnel will be available to respond to an emergency (e.g., fire, assaults, suicide attempts, serious illness, etc.) within a reasonable time period.

(4) No employee or visitor of one sex shall enter a housing unit occupied by the other sex unless advance notice has been provided except in case of an emergency. (Does not apply to alternate jail facilities.)

(5) When there are women in the jail population, a female employee shall be on the premises in accordance with Iowa Code section 356.5(6) (Does not apply to alternate jail facilities).

(6) All juveniles arrested for intoxication due to substance abuse shall be personally observed on a continuous basis throughout the period of detention. The activities of juveniles arrested for crimes other than the above shall be monitored at all times, and the juvenile shall be observed by means of personal supervisory checks at no more than 30-minute intervals.

b. Weapons. Except in an emergency situation no firearms, chemical control agents, sap, sap gloves or kel-lites shall be allowed in an area occupied by inmates.

c. Searches.

(1) All inmates entering the jail shall be thoroughly searched; searches of persons charged with simple misdemeanors shall follow provisions of Iowa Code section 804.30.

(2) All persons entering a jail may be searched for contraband. Persons may be denied admission if they refuse to consent to a required search.

(3) A search notice shall be posted in a conspicuous place (no policy required).

d. Key control. The jail administrator will identify those persons who may have access to keys.

e. Rescinded IAB 3/26/97, effective 4/30/97.

201—50.14(356,356A) Cleanliness and hygiene.

50.14(1) Housekeeping.

a. The jail shall be kept clean and sanitary. Toilets, wash basins, showers and other equipment throughout the facility shall be maintained in good working order. Walls, floors and ceilings shall be well maintained.

(1) Unless cleaning is done by staff, necessary cleaning equipment shall be provided to inmates. Cleaning equipment shall be removed from the cell and day room areas when cleaning is completed. Mops will be stored for drying after use.

(2) The jail shall be maintained in pest-free condition. Persons spraying chemicals shall be certified by the Iowa department of agriculture and land stewardship. Inmates and staff shall not be directly exposed to the chemicals being used.

b. The facility will have a sharps disposal container. The facility shall be equipped to handle disposal of contaminated or hazardous waste according to universal health precautions.

50.14(2) Clothing, bedding, and hygiene items.

a. Inmates held in excess of 24 hours shall be provided sanitary bedding and linens, sufficient to ensure comfort under existing temperature conditions. These items may be withheld by the jail administrator if deemed necessary pursuant to subrule 50.21(6). A standard issue shall include:

(1) Toilet articles necessary for daily personal hygiene.

(2) Institutional clothing may be issued.

(3) If, upon admission to a jail with an average daily population exceeding ten persons, it is determined that the inmate will be held longer than 24 hours, facility-provided clothing shall be issued.

(4) The laundry means and schedule shall be adequate to meet the daily needs of the inmates.

b. Reserved.

50.14(3) Personal hygiene.

a. For sanitation and health reasons, inmates shall be required to keep themselves clean at all times.

b. Unless medically contraindicated, all inmates to be held over 24 hours shall be required to shower or bathe.

c. Inmates may be required to shave or cut their hair only for sanitation.

d. Jail personnel shall establish procedure for inmate hair care.

e. The sharing of instruments which are subject to blood contamination, such as nonelectric razors and toothbrushes, is prohibited. Electric razors properly sterilized under medically approved conditions may be shared.

201—50.15(356,356A) Medical services. The jail administrator shall establish a written policy and procedure to assure inmates the opportunity to receive necessary medical attention for illness and injury and necessary dental care. The plan shall include a procedure for emergency care. Responsibility for the costs of medical services and products remain that of the inmate. However, no inmate will be denied necessary medical services, dental service, medicine or prostheses because of a lack of ability to pay. Medical and dental prostheses shall be provided only when the serious medical needs of the inmate-patient would be adversely affected without them, as determined by a licensed health care professional. Cosmetic or elective procedures need not be provided.

50.15(1) Medical resources. Each jail shall have a designated licensed physician, osteopathic physician or medical facility. Medical resources shall be available on a 24-hour basis.

50.15(2) Trained staff. Rescinded IAB 8/5/92, effective 9/9/92. See subrule 50.11(3).

50.15(3) Inmate involvement. No inmate shall be involved in any phase of delivery of medical services.

50.15(4) First-aid kits. A first-aid kit approved by qualified medical personnel shall be available to staff (no policy required).

50.15(5) Chemical control agents. Inmates affected by a chemical control agent must be offered a medical examination and appropriate treatment as soon as reasonable.

50.15(6) Screening upon admission.

a. Any person who is obviously injured, ill or unconscious, shall be examined by qualified medical personnel before being admitted to a jail.

b. Inmates suspected of having a contagious or communicable disease shall be separated from other inmates until examined by qualified medical personnel.

c. As a part of the admission procedure, a medical history intake form shall be completed for each person admitted to the jail. The intake procedure shall include screening for potential self-injury or potential suicide. The jail shall have a written suicide prevention plan. Essential elements of the plan shall include training to recognize the potential for suicide, communication between staff, appropriate housing and intervention procedures.

d. During times when there is no means of immediate access to the district court, a person arrested on a charge constituting a simple misdemeanor and believed by the arresting officer/agency to be mentally ill, and because of that illness is likely to physically injure the person's self or others, shall be admitted to jail only subsequent to the arresting officer/agency demonstrating a reasonable effort to comply with the emergency hospitalization procedure, as provided in Iowa Code section 229.22.

e. Inmates shall be provided with information on how they can obtain necessary medical attention, and the agency's policy and procedure shall also reflect this.

50.15(7) Medication procedures.

a. Written policies and procedures pertaining to providing medication shall be established.

b. All prescription medicine shall be securely stored and inventory control practiced.

c. A written procedure for recording the taking of all medications shall be established.

d. Prescription medication, as ordered by a licensed physician, licensed osteopathic physician or licensed dentist shall be provided in accordance with the directions of the prescribing physician. Inmates with medication from a personal physician may be evaluated by a physician or osteopathic physician selected by the jail administrator to determine if the present medication is appropriate.

50.15(8) Medical records. A separate medical record shall be maintained on each inmate receiving medical care. The record shall include the illness being treated, medication administered, special diets required, medical isolations and the attending health professional or institution. The record may be kept in the inmate's file jacket but must be labeled confidential.

50.15(9) Medication storage.

a. Inmates' medications shall be stored at the proper temperature, as defined by the following terms:

1. Room temperature: temperature maintained between 15 degrees centigrade (59 degrees Fahrenheit) and 30 degrees centigrade (85 degrees Fahrenheit).

2. Cool: temperature between 8 degrees centigrade (46 degrees Fahrenheit) and 15 degrees centigrade (59 degrees Fahrenheit).

3. Refrigerate: temperature that is thermostatically maintained between 2 degrees centigrade (36 degrees Fahrenheit) and 8 degrees centigrade (46 degrees Fahrenheit).

b. Any medications bearing an expiration date may not be administered beyond the expiration date.

c. Expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending physician, shall be destroyed by the jail administrator in the presence of a witness. A record of drug destruction shall be made in each inmate's medical record.

d. Medications dispensed by a pharmacy in unit dose packaging may be returned to the dispensing pharmacy pursuant to board of pharmacy 657—subrule 8.11(6).

e. Jails utilizing unit dose packaging shall have written policies and procedures providing for the return of drugs so packed to the issuing pharmacy. Policy shall include proper record keeping of disposal.

201—50.16(356,356A) General food service requirements.

50.16(1) Inmate being held. If an inmate is held over a meal period, a meal of adequate nutrition shall be provided.

50.16(2) Daily meals. The three meals provided for each 24-hour duration shall be served at reasonable and proper intervals; at least one shall be a hot meal. Food must be served at the proper temperature; hot foods reasonably hot and cold foods reasonably cold.

50.16(3) Time of serving. Meals shall be served at approximately the same time every day.

50.16(4) Documentation. The facility shall document that its food service meets or exceeds minimum dietary allowances as stated in the recommended dietary allowances, national academy of sciences. Diet guidelines meeting the above requirements shall be certified by a qualified dietician (no policy required).

50.16(5) Medical diets. Special diets as prescribed by a physician shall be followed and documented. The physician who prescribes the special diet shall specify a date on which the diet will be reviewed for renewal or discontinuation. Unless specified by prescribing physician, a certified dietician shall develop the menu.

50.16(6) Religious requests. When a special diet is requested by an individual as part of the individual's religious beliefs, the facility shall meet that need, unless the facility can demonstrate that its refusal does not impose a substantial burden on the exercise of the individual's religion, or that its refusal furthers some compelling interest and is the least restrictive means of furthering that interest.

50.16(7) Punishment. Deviation from normal feeding procedures shall not be used as punishment.

50.16(8) Inspection of outside facilities. If food service is provided by outside sources, only a facility with a food establishment license or those required to undergo inspection by other statutes shall be utilized to provide these services. The transfer of food shall be done under sanitary conditions (no policy required).

201—50.17(356,356A) In-house food services.

50.17(1) Food preparation areas shall be clean and sanitary in accordance with requirements of the state health standards regulating institutional or food establishment operations.

50.17(2) All food products shall be stored in compliance with state health standards governing institutional or food establishment operations.

50.17(3) Dishes, utensils, pans and trays shall be sanitized after use in accordance with state health standards for food establishments or institutions.

50.17(4) Staff shall serve or supervise the serving of all meals. Food handlers must be clean and free of illness or disease.

201—50.18(356,356A) Inmate activities.**50.18(1) Exercise.**

a. A minimum of two one-hour exercise sessions shall be provided during each full calendar week. Playing board games, cards or reading is recreation and is not considered exercise.

b. Restrictions. Exercise requirements may be restricted by disciplinary action for a period not to exceed two weeks in duration during any one calendar month.

c. Exercise areas. An exercise area outside the cell shall be available. Such area must provide opportunity for adequate exercise. Corridors and hallways must remain clear of equipment or material and must provide unimpeded access to exits.

d. Suspension of outdoor exercise. Outdoor exercise may be suspended during inclement weather. Appropriate clothing shall be provided for exercise during winter months.

50.18(2) Religion. All inmates shall be afforded a reasonable opportunity to pursue their religious faith. Any infringement upon the opportunity to pursue one's faith must further some compelling interest and must be the least restrictive means of furthering that interest.

50.18(3) Reading material. A reasonable quantity and variety of reading material shall be made available to inmates.

a. Access to reading material from an outside source may be restricted to unused material sent directly from the publishing source.

b. Material deemed to be a threat to security or safety within the jail may be denied distribution.

c. Obscene material, as described in Iowa Code section 728.1, may be prohibited.

d. When an inmate is denied access to a publication, the jail administrator shall inform the inmate of that denial in writing and shall explain, in writing, the reason(s) for denial.

201—50.19(356,356A) Communication.**50.19(1) Inmate mail.**

a. Inmates shall be furnished a reasonable amount of writing materials upon request. Jail officials may prohibit prisoner correspondence to those who state in writing that they do not want to correspond. This does not include a "prior approval" list.

b. Postage shall be provided to indigent inmates for communication with the courts and for at least two letters per week of a personal nature when other means of communication are not available.

c. General correspondence may be opened and inspected; it may be read for security reasons if the inmate is notified of this procedure.

d. Privileged correspondence, if so marked, may be opened in the presence of the inmate only and then only to detect the presence of contraband; it may not be read. Privileged correspondence is defined as mail to or from:

- (1) An attorney;
- (2) A judge;
- (3) The governor of Iowa;
- (4) The citizen's aide office;
- (5) A member of the state or federal legislature.

50.19(2) Telephone calls upon arrest.

a. Inmates shall be permitted telephone access to their family or an attorney, or both, without unnecessary delay.

b. Policy and procedures shall be developed to govern inmate telephone calls. The procedure shall provide for the handling of emergency calls.

c. Inmates not in segregation status for discipline shall have reasonable access to telephones beyond the requirements of Iowa Code section 804.20.

50.19(3) Special persons. Attorneys and ministers shall be permitted to visit inmates at reasonable hours if security and daily routine are not unduly interrupted.

50.19(4) General visitation.

a. All inmates in normal status shall be allowed reasonable visitation.

b. Rules shall specify who, when and how often visitors are allowed.

c. All visitors shall be required to fill out a visitor log giving name and address of person visiting and name of person visited. Jail staff shall document the date, time, and duration of the visits.

d. A visit may be denied if reasonable suspicion exists that the visit might endanger the security of the facility. A record shall be made of such denial and the reason therefor.

201—50.20(356,356A) Access to the courts. Inmates shall be provided at their request information regarding access to the courts consistent with minimum constitutional standards.

201—50.21(356,356A) Discipline and grievance procedures.

50.21(1) No inmate shall be allowed to have authority or disciplinary control over another inmate.

50.21(2) The use of physical force by staff shall be restricted to instances of justifiable self-protection, the protection of others or property, the prevention of escapes or the suppression of disorder, and then only to the degree necessary to overcome resistance; corporal punishment is forbidden.

50.21(3) In the event of death, or in cases of attempted suicide, or injury due to physical force which requires a physician's care, notification of the incident shall be provided to a state jail inspector within 24 hours. A copy of the investigation report and other pertinent records shall be given to the jail inspector upon request.

50.21(4) The following information shall be made available to all inmates and explained to any inmate unable to read the English language:

a. A set of rules (including sanctions) and regulations pertaining to the conduct of persons in custody.

b. What services are available to them.

c. A procedure for handling inmate grievance.

50.21(5) Inmates, who have allegedly violated jail rules, shall be provided information pertaining to the handling of disciplinary hearings consistent with the due process rights of the accused. This shall include the following:

- a. Notice of hearing;
- b. A description of the hearing process; and
- c. An explanation of the request to appeal.

50.21(6) Deprivation of clothing, bedding, or hygienic supplies shall not be used as a disciplinary measure or as punishment. Such articles may be withheld from any inmate whom the staff reasonably believes would destroy them or use them as weapons or for self-injury or to aid in escape.

201—50.22(356,356A) Records. The following records shall be maintained by the facility administrator for two years unless a different period is specified.

50.22(1) *Jail calendar.* Information as required by Iowa Code section 356.6.

50.22(2) *Visitor registration.* This record shall contain the name and address of the person visiting; name of person visited; and the date, time and duration of the visit.

50.22(3) *Jail inspection records.* Jail inspection records shall contain the following and be maintained for a minimum period of two years:

- a. Fire marshal's certificates.
- b. Written reports received from all persons doing official inspections of the jail.

50.22(4) *Medical history intake form.* Notation of injury upon admission shall be included.

50.22(5) *Records of medical care.*

50.22(6) *Injury reports.* Copies of all reports of investigations relating to injuries within the facility shall be maintained in a separate injury file or referenced in inmate file by log for a period of five years.

50.22(7) *Disciplinary records.*

50.22(8) *Property receipts.* Property receipts as required by Iowa Code section 804.19 shall be completed and distributed as required.

50.22(9) *Menu records.* Including letters of documentation issued by a qualified dietician.

50.22(10) *Fire and disaster evacuation plan and record(s) of required fire drills.*

50.22(11) *Records of staff training.*

50.22(12) *Disposition of medication.* A record shall be kept of the disposition of prescribed medication not taken by an inmate.

50.22(13) *Supervisory checks.* A record shall be made to document all required supervisory checks of inmates.

50.22(14) *Incident reports.*

- a. Use of force;
- b. Suicide/suicide attempts;
- c. Threats to staff, staff assaults, fires, inmate abnormal behavior, any verbal or nonverbal references to suicide and self-mutilation.

50.22(15) *Exercise documentation.* A record shall be kept relative to date, time and length of exercise periods offered to specific cell blocks, tiers, or any other type of cell grouping or housing unit.

201—50.23(356,356A) Alternative jail facilities. County detention facilities qualifying as alternative jail facilities, developed and operated under the auspices of Iowa Code section 356A.1, and not under the charge of the sheriff of the county, are subject to the rules for residential treatment centers operated by judicial district departments of correctional services as prescribed by 291—Chapter 43.

50.23(1) to 50.23(4) Rescinded IAB 3/26/97, effective 4/30/97.

201—50.24(356,356A) Nonsecure holds.

50.24(1) *Minimum physical plant standards for nonsecure hold areas.* The area to be used to detain the juvenile must be an unlocked area such as a lobby, office or other open room. Additionally, the following minimum procedures must be followed:

- a. The juvenile is not physically secured to any stationary object.
- b. The juvenile is under continuous, visual supervision.
- c. The juvenile has access to bathroom facilities.
- d. A meal or meals shall be provided at usual meal times.

50.24(2) Rescinded IAB 3/26/97, effective 4/30/97.

50.24(3) Rescinded IAB 3/26/97, effective 4/30/97.

50.24(4) *Supervision of juveniles in nonsecure hold.* Juveniles in nonsecure hold status shall have continuous visual supervision by a qualified adult. The jail administrator may contract with an outside agency to perform supervisory functions. Persons performing juvenile supervisory functions must:

- a. Be at least 18 years of age.
- b. Have received a physical prior to employment.
- c. Perform at a staff-to-detainee ratio to ensure a safe environment for both the juvenile(s) and the staff.
- d. Report any knowledge of child abuse to mandatory child abuse reporters.
- e. Have successfully completed a child abuse and criminal background check.

50.24(5) *Prohibited acts.* Each nonsecure site must develop a policy of posted orders which protects juveniles against neglect, exploitation, and degrading punishment such as corporal punishment, verbal abuse, threats, or derogatory remarks about the juvenile or the juvenile's family; binding or tying to restrict movement; enclosing the juvenile in a confined space such as a closet, locked room, or similar cubicle; and deprivation of meals.

50.24(6) *Attendant nonsecure area operating procedures.*

- a. Attendant shall make certain the juvenile is aware of the policies of the nonsecure holding area.
- b. The personal effects of the juvenile shall be placed in a safe, secure place. A property receipt shall be issued to the juvenile.
- c. All items given to the juvenile are subject to being searched.
- d. Attendant shall pat search juvenile.
- e. Rescinded IAB 3/26/97, effective 4/30/97.

50.24(7) *Care and treatment.*

a. *Medical.*

(1) No juvenile shall be held who is obviously injured, obviously physically or mentally ill, or in the judgment of the arresting officer under the influence of drugs or intoxicated from the use of alcohol to the point of needing medical attention without first being examined by a medical practitioner.

(2) In an emergency situation or when the child is suffering severe pain or is in danger of loss of life or permanent injury, medical treatment may be administered without parental consent. When none of the above exists, parental consent or judicial concurrence must be made before providing medical treatment.

(3) Juveniles suspected of having a contagious or communicable disease shall be isolated from other juveniles.

(4) There shall be at least one person on duty in the facility containing the holdover room who is trained in multimedia first aid and CPR.

(5) First-aid kits shall be immediately available.

(6) Any person providing medication shall be trained in procedure of providing medication.

(7) As part of the admission procedure, a medical history intake form shall be completed. As part of this procedure, an attempt will be made to determine if the juvenile is suicidal by observing behavior and looking for marks or scars which would indicate previous suicide attempts.

(8) There shall be written policies or procedures pertaining to providing medication.

(9) All medication shall be stored according to state pharmaceutical standards and written inventory control maintained. The inventory shall include the starting number of pills, how many and when pills were provided and by whom, the remaining number of pills at the time juvenile left facility, the disposition of the remaining pills, and a staff witness to the disposition of the pills.

(10) Rescinded IAB 3/26/97, effective 4/30/97.

(11) Special diets as prescribed by a physician shall be followed and documented.

(12) When a special diet is required for an individual due to a bona fide religious belief, the facility shall meet that need.

b. Communications.

(1) Juveniles shall be permitted, at no charge, telephone access to their family or an attorney or both, without unnecessary delay after being taken into custody. Once family or attorney has been contacted, the number of additional calls, if any, will be determined by attendant.

(2) Attorneys and ministers shall be permitted to visit upon request when such visiting will not disrupt security or daily routines of the facility. Determination of additional visits shall be made by attendant.

c. Safety and sanitation.

(1) Walls, floors, and ceiling shall be well maintained.

(2) Facility shall be maintained in pest-free condition.

(3) Clean bedding, including sheets, blankets, and pillowcases shall be issued to each juvenile who wishes to sleep between the hours of 9 p.m. and 7 a.m.

(4) Soiled clothing which may affect the health of the juvenile shall be exchanged for clean facility-provided clothing.

(5) An emergency evacuation plan must be conspicuously posted.

(6) There shall not be less than one AA-ABC fire extinguisher in operable condition for each 3,000 square feet of facility on any given floor of the building.

(7) All exits shall be equipped with independent emergency lighting.

(8) Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors shall be maintained leading directly to every exit and shall be so arranged as to provide access for each juvenile to at least two separate and distinct exits from each floor. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are on the person of the attendant. Elevators shall not be counted as required exits.

(9) A means of fire detection utilizing equipment of a type tested and approved by Underwriters Laboratories or Factory Mutual shall be installed and maintained in operational condition. These alarms shall be ceiling-mounted and of such construction to continue in operation during power failure. Alarms shall be tested on at least a monthly basis. Such test shall be documented.

(10) Only fire-resistant mattresses and pillows approved by the state fire marshal's office shall be used.

d. Staff training requirements.

(1) Attendants shall be knowledgeable of facility policies and procedures pertaining to juvenile nonsecure holds and acknowledgment of this shall be made by attendant's dated signature.

(2) Nonsecure hold attendants shall have received instruction in the following areas prior to supervising juveniles in a nonsecure holding area:

1. Role of holdover attendant.
 2. Confidential issues.
 3. Intake procedures—medical and suicide screening.
 4. Communication and listening skills.
 5. Dealing with depressed or suicidal juvenile.
 6. Overview of state and federal law.
 7. Provision of medication.
 8. Gentle self-defense.
 9. Child abuse identification.
- e. Juvenile supervision.*

(1) An attendant shall be in the presence of all juveniles held at all times. Same-sex attendant or staff shall be present when juveniles perform body functions/shower.

(2) A log shall be maintained with intervals at half-hour entries reflecting juvenile's activities and behavior.

f. Records. The following records shall be maintained by the facility for a period of at least two years:

- (1) Medical history intake form.
- (2) Records of medical care.
- (3) Injury reports.
- (4) Food served.
- (5) Records of staff training.
- (6) Disposition of medication.
- (7) Individual log.
- (8) Any use of force reports.
- (9) Any suicide or suicide-attempts reports.

g. The following reports shall be sent to the state jail inspection unit, department of corrections, within 24 hours of incident:

- (1) Any injury requiring medical attention to juvenile or staff.
- (2) Any use of force by staff report.
- (3) Any attempted suicide report.

The state jail inspection unit, department of corrections, shall be notified within five hours of any successful juvenile nonsecure hold suicide.

50.24(8) *Exemption from physical plant standards.* Any requests for exemption from physical plant standards shall be submitted according to the provisions under jail standards waivers.

201—50.25(356,356A) Direct supervision jails. Direct supervision jails, in addition to the preceding rules, are subject to the following rules:

50.25(1) There may be contact of different classifications of inmates in a common activity area only while the inmates are under continuous direct supervision with the exception of:

- a. Persons of whom violence is reasonably anticipated. (50.13(1)“d”(1))
- b. Persons who are a health risk. (50.13(1)“d”(2))
- c. Persons of whom sexually deviant behavior is reasonably anticipated. (50.13(1)“d”(3))
- d. Persons under the age of 18 (Iowa Code section 356.3). Persons changed in adult court on a forcible felony are to be separated whenever possible.

50.25(2) There shall be separate and distinct staff persons in the facility at all times to perform the following duties:

- a. Provide central control or lock doors into or out of the housing unit.
- b. Provide direct supervision of inmates in the housing unit. During hours of lockdown, inmate checks may be done hourly and documented. Inmates must be physically observed during these checks.
- c. Provide emergency backup to the supervision officer as a priority of assigned duties.

50.25(3) Inmates classified as maximum security may not be allowed into areas occupied by other inmates at any time. Maximum security inmates may be requested to exercise or perform other activities in group with other maximum security inmates only. Facility staff must weigh the potential for violence prior to admitting any maximum security inmate into a group.

50.25(4) There shall be no more than 50 inmates in a housing unit.

50.25(5) Whenever inmates are not locked down, there shall be sufficient lighting in all areas of living units and activity areas to allow full observation by staff.

50.25(6) Inmates assigned to one living unit shall not be allowed to enter a different living unit except when permitted to share activities.

50.25(7) Any agency utilizing a direct supervision mode of inmate management shall ensure that, before accepting inmates, jail staff shall receive appropriate training in the following areas:

- a. Philosophy of direct supervision.
- b. Techniques of effective supervision and leadership.
- c. Decision-making techniques.
- d. Crisis intervention techniques.
- e. Effective communication techniques.
- f. Classification and evaluation techniques for direct supervision jails.

The training mandated by this chapter is required in addition to the above-listed training requisites.

50.25(8) There shall be a classification system developed which shall include an initial classification determination and an ongoing evaluation of the classification status. This system shall include, but not be limited to, the following considerations:

- a. Individual's criminal history.
- b. Individual's present behavior.
- c. Individual's present charge.
- d. Health.
- e. Potential for violence.
- f. Sexual deviation.
- g. Self-harm or suicide potential.
- h. Mental and physical maturity relative to personnel safety.
- i. Previous behavior in other institutional settings.
- j. Noticeable changes in attitude.

50.25(9) Programming (books, television, work, treatment) shall be available to reduce inmate idleness. Subjects referred to within the parentheses are illustrative and not inclusive.

50.25(10) Each officer assigned to a housing unit shall have a mechanical or electronic means on their person to summon assistance in times of emergency.

50.25(11) Supervision checks as required by this chapter (Iowa Administrative Code 50.13(2) “a”) will continue to be required and documented. CCTV shall not be used for supervision checks. During those periods when inmates are out of their cells and in full view of staff, supervisory checks need not be conducted. Supervisory checks will be made when inmates are allowed in their individual cells.

50.25(12) All incoming inmates must be thoroughly oriented to expectations, rules, and routines of the jail. All such orientation must be documented.

50.25(13) Policies and procedures shall be developed by the sheriff or designee for the operation of the facility. These policies and procedures shall reflect the rules for direct supervision jails as delineated in this chapter. All staff shall be knowledgeable of and have access to the policy manual and shall receive training in the implementation of said policies and procedures prior to being assigned as a housing unit officer.

The sole remedy for breach of these rules is by a proceeding for compliance initiated by request of the department of corrections. The violation of any rule shall not be construed to permit any civil action to recover damages against the state of Iowa, its departments, agents or employees of any county, its agencies or employees.

These rules are intended to implement Iowa Code sections 80B.11A, 356.36 and 356.43.

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